

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Christopher W.
Blackburn et al.

Examiner: Jacob Lipman

Serial No.: 10/796,562

Group Art Unit: 2134

Filed: March 08, 2004

Docket: 1842.027US1

For: AUTHORIZATION SERVICE IN A SERVICE-ORIENTED GAMING
NETWORK

APPEAL BRIEF UNDER 37 CFR § 41.37

Mail Stop Appeal Brief- Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The Appeal Brief is presented in support of the Notice of Appeal to the Board of Patent Appeals and Interferences, filed on December 11, 2008, from the Final Rejection of claims 1-28 of the above-identified application, as set forth in the Final Office Action mailed on September 11, 2008.

The Commissioner of Patents and Trademarks is hereby authorized to charge Deposit Account No. 19-0743 in the amount of \$540.00 which represents the requisite fee set forth in 37 C.F.R. § 41.20(b)(2). The Appellants respectfully request consideration and reversal of the Examiner's rejections of pending claims.

APPEAL BRIEF UNDER 37 C.F.R. § 41.37

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1. REAL PARTY IN INTEREST

The real party in interest of the above-captioned patent application is the assignee, WMS GAMING INC.

2. RELATED APPEALS AND INTERFERENCES

The following patent applications are related to the above-identified application, are currently appealed to the Board, and may directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal. No decisions have been rendered by the Board as of the filing of this Appeal Brief.

<u>App. Serial #</u>	<u>Attorney Docket</u>	<u>Title</u>
10/813,653	1842.017US1	EVENT MANAGEMENT SERVICE IN A SERVICE-ORIENTED GAMING NETWORK ENVIRONMENT
11/068,065	1842.018US2	GAMING NETWORK ENVIRONMENT HAVING A LANGUAGE TRANSLATION SERVICE
10/562,411	1842.019US1	GAMING NETWORK ENVIRONMENT PROVIDING A CASHLESS GAMING SERVICE
10/788,903	1842.020US1	A SERVICE-ORIENTED GAMING NETWORK ENVIRONMENT
10/788,661	1842.021US1	GAMING MANAGEMENT SERVICE IN A SERVICE-ORIENTED GAMING NETWORK ENVIRONMENT
10/788,902	1842.022US1	GAME UPDATE SERVICE IN A SERVICE-ORIENTED GAMING NETWORK ENVIRONMENT
10/789,957	1842.023US1	PROGRESSIVE SERVICE IN A SERVICE-ORIENTED GAMING NETWORK ENVIRONMENT
10/794,723	1842.024US1	DISCOVERY SERVICE IN A SERVICE-ORIENTED GAMING NETWORK ENVIRONMENT
10/794,422	1842.025US1	BOOT SERVICE IN A SERVICE-ORIENTED GAMING NETWORK ENVIRONMENT
10/796,553	1842.026US1	AUTHENTICATION SERVICE IN A SERVICE-ORIENTED GAMING NETWORK ENVIRONMENT
10/802,700	1842.028US1	NAME SERVICE IN A SERVICE-ORIENTED GAMING NETWORK ENVIRONMENT
10/802,701	1842.029US1	TIME SERVICE IN A SERVICE-ORIENTED GAMING NETWORK ENVIRONMENT
10/802,699	1842.030US1	ACCOUNTING SERVICE IN A SERVICE ORIENTED GAMING NETWORK ENVIRONMENT
10/802,537	1842.031US1	MESSAGE DIRECTOR SERVICE IN A SERVICE-ORIENTED GAMING NETWORK ENVIRONMENT

3. STATUS OF THE CLAIMS

The present application was filed on March 8, 2004 with claims 1-28. A non-final Office Action mailed November 27, 2007 rejected claims 1-24. A Final Office Action (hereinafter “the Final Office Action”) was mailed September 11, 2008 and rejected claims 11-28. Claims 1-28 stand at least twice rejected, remain pending, and are the subject of the present Appeal.

4. STATUS OF AMENDMENTS

Claims 10 and 24 have been canceled in an amendment under CFR 41.33(b)(1) filed herewith. The Examiner has not yet acted on the amendment, however entry of the amendment is believed appropriate because the amendment simplifies or removes issues on appeal. No other amendments have been made subsequent to the Final Office Action dated September 11, 2008.

5. SUMMARY OF CLAIMED SUBJECT MATTER

In general, the independent claims recite systems and methods that provide a three party handshake for providing a gaming service on a wagering game network using an authorization service. The gaming service first sends service information to a discovery agent, the discovery agent uses the authorization service to authorize and authenticate the gaming service and based on the response received from the authorization service the discovery service publishes the service information. A client such as a wagering game machine desiring to use the gaming service obtains the service information from the discovery agent and uses the service information to contact the gaming service.

This summary is presented in compliance with the requirements of Title 37 C.F.R. § 41.37(c)(1)(v), mandating a “concise explanation of the subject matter defined in each of the independent claims involved in the appeal . . .” Nothing contained in this summary is intended to change the specific language of the claims described, nor is the language of this summary to be construed so as to limit the scope of the claims in any way.

INDEPENDENT CLAIM 1

1. A method for providing an authorization service in a gaming network including gaming machines, the method comprising:

publishing the availability of the authorization service on the gaming network; [see e.g., FIG. 5A, element 510; FIG. 5B, elements 503, 504, 521 and 522; page 8, lines 1-3; page 17, line 23 to page 18, line 14; page 19, lines 10-15; and page 20, lines 9-13]

sending service information for a gaming service to a discovery agent on the gaming network; [see e.g., FIG. 3, elements 304, 306, 322 and 324; and page 11, line 21 to page 12, line 4]

receiving by the authorization service from the discovery agent a request to authorize the gaming service; [see e.g., page 8, lines 1-3; and page 15, lines 6-23]

providing an authorization response to the discovery agent; [see e.g., page 8, lines 1-3; and page 15, lines 6-23]

in response to determining by the discovery agent using the authorization response that the gaming service is authentic and authorized, publishing by the discovery agent service information to a service repository to make the gaming service available on the gaming network; [see e.g., FIG. 3, elements 324 and 326; page 8, lines 1-3; page 11, line 21 to page 12, line 4; and page 15, lines 6-23]

discovering by the gaming service the availability of the authorization service; and [see e.g., FIG. 5A, elements 512; FIG. 5B elements 523-526; page 19, lines 16-20; and page 20, lines 14-22]

processing one or more service requests between the gaming service and the authorization service, said service requests conforming to an internetworking protocol. [see e.g., FIG. 3, elements 302, 304 and 334; FIG. 4, element 400; FIG. 5A, element 514; FIG. 5B elements 528-530; FIG. 6, elements 623-625; page 12, line 13 to page 13, line 26; page 16, lines 22-29; page 19, lines 21-29; page 20, line 25 to page 21, line 4 and page 22, lines 17-23]

INDEPENDENT CLAIM 15

15. A gaming network system providing an authorization service, the gaming network system comprising:

a service provider communicably coupled to the gaming network and operable to provide a gaming service; [see e.g., FIG. 3, element 304; FIG. 5B, element 502; FIG. 6B, element 602; and page 11, lines 15-17;]

at least one gaming machine communicably coupled to the gaming network and operable to request a service from the service provider; [see e.g., FIGs. 1-2, element 10; page 5, line 13 to page 6, line 18; and page 7, lines 11-17]

an authorization server hosting an authorization service, said server communicably coupled to the gaming network and operable to: [see e.g., FIG. 3, element 304; FIG. 5B, element 503; FIG. 6B, element 603; page 8, lines 1-3; and page 11, lines 15-17]

publish the availability of the authorization service on the gaming network, and [see e.g., FIG. 5A, element 510; FIG. 5B, elements 503, 504, 521 and 522; page 8, lines 1-3; page 17, line 23 to page 18, line 14; page 19, lines 10-15; and page 20, lines 9-13]

process one or more service requests between the service provider and the authorization service, said service requests conforming to an internetworking protocol; and [see e.g., FIG. 3, elements 302, 304 and 334; FIG. 4, element 400; FIG. 5A, element 514; FIG. 5B elements 528-530; FIG. 6, elements 623-625; page 12, line 13 to page 13, line 26; page 16, lines 22-29; page 19, lines 21-29; page 20, line 25 to page 21, line 4 and page 22, lines 17-23]

a discovery agent communicably coupled to the gaming network, the discovery agent operable to: [see e.g., FIG. 3, element 306; FIG. 5B, element 504; and page 11, line 21 to page 12, line 4]

receive service information from the gaming service, [see e.g., FIG. 3, elements 304, 306, 322 and 324; and page 11, line 21 to page 12, line 4]

send an authorization request to the authorization service, [see e.g., page 8, lines 1-3; and page 15, lines 6-23]

receive a response from the authorization service and using the response to determine if the gaming service is authentic and authorized for the gaming network, and *[see e.g., page 8, lines 1-3; and page 15, lines 6-23]*

publish service information for the gaming service upon determining the gaming service is authentic and authorized for the gaming network. *[see e.g., FIG. 3, elements 324 and 326; page 8, lines 1-3; page 11, line 21 to page 12, line 4; and page 15, lines 6-23]*

6. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

Claims 10 and 24 were rejected under 35 U.S.C. § 112, second paragraph, for indefiniteness.

Claims 1-28 were rejected under 35 U.S.C. § 102(e) for anticipation by Gatto et al. (U.S. Patent 6,916,247).

7. ARGUMENT

A) The Applicable Law under 35 U.S.C. §102

A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. *M.P.E.P* § 2131. To anticipate a claim, a reference must disclose every element of the challenged claim and enable one skilled in the art to make the anticipating subject matter. *PPG Industries, Inc. V. Guardian Industries Corp.*, 75 F.3d 1558, 37 USPQ2d 1618 (Fed. Cir. 1996). The identical invention must be shown in as complete detail as is contained in the claim. *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). It is not enough, however, that the prior art reference discloses all the claimed elements in isolation. Rather, “[a]nticipation requires the presence in a single prior reference disclosure of each and every element of the claimed invention, *arranged as in the claim.*” *Lindemann Maschinenfabrik GmbH v. American Hoist & Derrick Co.*, 730 F.2d 1452, 221 USPQ 481, 485 (Fed. Cir. 1984) (citing *Connell v. Sears, Roebuck & Co.*, 722 F.2d 1542, 220 USPQ 193 (Fed. Cir. 1983)) (emphasis added).

B) Discussion of the rejection of claims 1-28 under 35 U.S.C. § 102(e) as being anticipated by Gatto (U.S. Patent 6,916,247).

Claims 1-28 were rejected under 35 U.S.C. § 102(e) for anticipation by Gatto (U.S. Patent 6,916,247, hereinafter “Gatto”) This rejection is respectfully traversed. Appellant respectfully submits that the Final Office Action has made an improper *prima facie* showing of anticipation at least because the claims contain elements not found in Gatto.

For example, claim 1 recites “sending service information for a gaming service to a discovery agent on the gaming network.” Claim 15 recites similar language. The Final Office Action asserts that Authentication agent 834 is a discovery agent that receives service information. Appellant respectfully disagrees with this interpretation of Gatto. Authentication engine 834 is described at column 10, lines 55-63 as authenticating identification, operations or data integrity. This is different from a discovery agent, which acts to publish service information

for the network. As a result, authentication engine 834 is not a discovery agent as recited in claims 1 and 15.

Further, claim 1 recites “determining by the discovery agent using the authorization response that the gaming service is authentic and authorized, publishing by the discovery agent service information to a service repository to make the gaming service available on the gaming network.” Claim 15 recites similar language with respect to a discovery agent authenticating and authorizing a gaming management service using a response from an authorization service. The Final Office Action asserts that Gatto, at column 10, lines 58-60 discloses the recited language. Appellant respectfully disagrees with this interpretation of Gatto for several reasons detailed below. The portion of Gatto cited in the Final Office Action discloses the following. Gatto, at column 10, lines 55-63 discloses “[t]he authentication engine 834 may include functionality to consult a Certificate Authority (which may be located on a server on the network 102 or on a computer network connected thereto), certify the authenticity of the identification presented, authorize a given operation, ensure data integrity of data exchanged, securely time-stamp the operation (to ensure non-repudiation of the operation) and/or revoke illegal identifications, for example.” The cited section indicates that an authentication engine may be used to authenticate identities (presumably of player identification means) or to authorize operations. There is no disclosure of authentication of a service, and further there is no disclosure of authorization of a service. The actions performed by the authentication engine 834 cited above all occur after a service has been instantiated (e.g., the player identification and operations of that may be performed by a service). In contrast, Appellant’s claims recite a system and method in which a service is not allowed to be published on a gaming network unless it is authentic and authorized. Such an arrangement provides the advantage that services must be authenticated and authorized before being published on the network, thereby reducing the potential that a service may engage in harmful actions on a gaming network.

In view of the above, column 10, lines 58-60 of Gatto fails disclose “determining by the discovery agent using the authorization response that the gaming service is authentic and authorized, publishing by the discovery agent service information to a service repository to make the gaming service available on the gaming network.”

Additionally, Appellant has reviewed Gatto and can find no teaching or suggestion of determining by a discovery agent if a gaming service is authentic and authorized in any other portion of Gatto.

For all of the reasons above, Gatto fails to disclose “determining by the discovery agent using the authorization response that the gaming service is authentic and authorized, publishing by the discovery agent service information to a service repository to make the gaming service available on the gaming network.” Therefore claims 1 and 15 recite elements that are not disclosed in Gatto. As a result, claims 1 and 15 are not anticipated by Gatto. Appellant respectfully requests reversal of the rejection of claims 1 and 15.

Claims 2-14 depend from claim 1 and claims 16-28 depend from claim 15. These dependent claims inherit the elements of their respective base claims 1 and 15 and are not anticipated by Gatto for at least the reasons discussed above regarding their respective base claims. Appellant respectfully requests reversal of the rejection of claims of claims 2-14 and 16-28.

C) Discussion of the Rejection of Claims 10 and 24 under 35 U.S.C. § 112, second paragraph

In order to expedite the prosecution of the application under appeal, claims 10 and 24 have been canceled in an amendment under CFR 41.33(b)(1) filed herewith. Therefore the rejection of claims 10 and 24 is believed moot.

SUMMARY

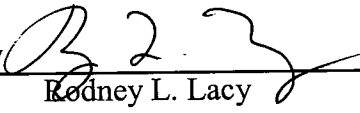
For the reasons argued above, claims 1-28 were not properly rejected under 35 U.S.C § 102(b) as being anticipated by Gatto.

It is respectfully submitted that the art cited does anticipate the claims and that the claims are patentable over the cited art. Reversal of the rejections and allowance of the pending claims are respectfully requested.

Respectfully submitted,


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Date July 13, 2009

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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being filed using the USPTO's electronic filing system EFS-Web, and is addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 13 day of July 2009.
Zhakalazky M. Carrion

Name



Signature

8. CLAIMS APPENDIX

1. A method for providing an authorization service in a gaming network including gaming machines, the method comprising:
 - publishing the availability of the authorization service on the gaming network;
 - sending service information for a gaming service to a discovery agent on the gaming network;
 - receiving by the authorization service from the discovery agent a request to authorize the gaming service;
 - providing an authorization response to the discovery agent;
 - in response to determining by the discovery agent using the authorization response that the gaming service is authentic and authorized, publishing by the discovery agent service information to a service repository to make the gaming service available on the gaming network;
 - discovering by the gaming service the availability of the authorization service; and
 - processing one or more service requests between the gaming service and the authorization service, said service requests conforming to an internetworking protocol.
2. The method of claim 1, wherein the authorization service comprises a web service.
3. The method of claim 2, wherein the service request is formatted according to a service description language.
4. The method of claim 3, wherein the service description language is a Web Services Description Language (WSDL).
5. The method of claim 2, wherein the authorization service is registered in a UDDI registry.

6. The method of claim 2, wherein the authorization service accesses an authorization database.
7. The method of claim 1, wherein the authorization service is a local service in the gaming network.
8. The method of claim 7, wherein the authorization service is provided at a well known location.
9. The method of claim 8, wherein the well known location comprises a TCP/IP address and port.
10. The method of claim 8, wherein the well known location comprises an identifier for a message queue.
11. The method of claim 8, wherein the well known location comprises a file location for performing a file transfer operation.
12. The method of claim 7, wherein the authorization service is registered in a local environment for the service.
13. The method of claim 1, further comprising returning authorization results to the service provider.
14. The method of claim 13, wherein the authorization results comprise an access list for a set of client credentials submitted to the authorization service.

15. A gaming network system providing an authorization service, the gaming network system comprising:

- a service provider communicably coupled to the gaming network and operable to provide a gaming service;

- at least one gaming machine communicably coupled to the gaming network and operable to request a service from the service provider;

- an authorization server hosting an authorization service, said server communicably coupled to the gaming network and operable to:

- publish the availability of the authorization service on the gaming network, and

- process one or more service requests between the service provider and the authorization service, said service requests conforming to an internetworking protocol;

- and

- a discovery agent communicably coupled to the gaming network, the discovery agent operable to:

- receive service information from the gaming service,

- send an authorization request to the authorization service,

- receive a response from the authorization service and using the response to

- determine if the gaming service is authentic and authorized for the gaming network, and

- publish service information for the gaming service upon determining the gaming service is authentic and authorized for the gaming network.

16. The gaming network system of claim 15, wherein the authorization service comprises a web service.

17. The gaming network system of claim 16, wherein the service request is formatted according to a service description language.

18. The gaming network system of claim 17, wherein the service description language is a Web Services Description Language (WSDL).

19. The gaming network system of claim 16, wherein the authorization service is registered in a UDDI registry.
20. The gaming network system of claim 16, further comprising an authorization database and wherein the authorization service accesses the authorization database.
21. The gaming network system of claim 15, wherein the authorization service is a local service in the gaming network.
22. The gaming network system of claim 21, wherein the authorization service is provided at a well known location.
23. The gaming network system of claim 22, wherein the well known location comprises a TCP/IP address and port.
24. The gaming network system of claim 22, wherein the well known location comprises an identifier for a message queue.
25. The gaming network system of claim 22, wherein the well known location comprises a file location for performing a file transfer operation.
26. The gaming network system of claim 21, wherein the authorization service is registered in a local environment for the service.
27. The gaming network system of claim 15, wherein the authorization server is further operable to return an authorization result to the service provider.
28. The gaming network system of claim 15, wherein the authorization result comprises an access list for a set of client credential submitted to the authorization server.

9. EVIDENCE APPENDIX

None.

10. RELATED PROCEEDINGS APPENDIX

None.